

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, February 12, 2005 - - 9:30 a.m.

Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Andrew H. Macdonald, Paul C. Smedberg and Joyce Woodson.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Ms. Fogarty, Director of Planning and Zoning (P&Z); Mr. Josephson, Deputy Director of P&Z; Mr. Phipps, Division Chief, P&Z; Mr. Farner, Division Chief, P&Z; Mr. Baier, Director of Transportation and Environmental Services (T&ES); Mr. Culpepper, Deputy Director, T&ES; Mr. Eiffert, Deputy Director, Office of Housing; Ms. de Corde, Urban Planner, P&Z; Mr. Tate, Urban Planner, P&Z; Mr. Sundland, Urban Planner, P&Z; Mr. Smith, Urban Planner, P&Z; Ms. Gordon, Public Information Officer; Police Lt. Uzzell; Ms. Smith-Page, Director of Real Estate Assessments; Mr. Dahlberg, Director of Code Enforcement; Mr. Lloyd, General Services; Ms. Newtonson, Urban Planner, P&Z; Mr. Colon, ITS; and Mr. Colevas, ITS.

Recorded by: Gloria Sitton, Deputy City Clerk and Clerk of Council

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the Deputy City Clerk called the roll; all the members of City Council were present.

2. Public Discussion Period.

(a) Ross Bell, 820 South Washington Street, B329, spoke about the condominium conversion at the Bearings, how the tenants were receiving misinformation from the owners about the conversion and how the tenants were being affected by the prices of the newly converted condominiums.

Mr. Eiffert, Deputy Director of the Office of Housing, responded to the activities surrounding the conversions at the Bearings and throughout the City.

Mayor Euille suggested that a meeting be held with property owners/developers and that there be a distribution of materials to residents outlining their rights under the conversion laws.

Vice Mayor Pepper requested a list of all the condominium conversions in Alexandria and a list potential condominium conversions complied by staff.

(b) Jeremy Flachs, Alexandria, spoke on behalf of Housing Action about the retention of affordable housing in Alexandria. Mr. Flachs noted that the developer contributions legislation had been eliminated by the General Assembly and he hoped that Council would be investigating ways to increase funds for the purchase and retention of affordable housing.

City Attorney Pessoa noted that the State Code does allow the City to require filing with the City of the same papers in advance of the conversion. Mr. Pessoa stated that he would bring an ordinance as soon as possible to require such action.

(c) Nancy Carson, 301 West Masonic View, spoke about affordable housing in Alexandria and the need to increase ways and funds for the purchase of affordable housing by citizens.

(d) Caroline H. Orner, 906 South Washington Street, #201, spoke about the condominium conversion at the Bearings and possible code violations happening during the conversion.

(e) Vernon Weibel, 820 South Washington Street, Apt. 125B, expressed his concern about the safety/health issues (asbestos) from the construction for improvements to the condominiums. Mr. Weibel noted that residents have not been notified properly of the conversion process and parking issues in the area.

Director Dahlberg, Code Enforcement, addressed the possible code violations at the condominium conversion. Mr. Dahlberg noted that many of the improvements were allowable under State Code without a permit.

Councilman Macdonald requested that staff develop a strategy for condominium conversions that would alleviate some of the tenants anxiety.

Councilman Krupicka requested an evaluation of the current homeownership programs that might be applicable to the residents in circumstances like this one and how resources in the programs were lacking in the ability to help the residents purchase their condominiums.

Vice Mayor Pepper requested that staff meet with the residents in the condominium conversions and explain the process.

(f) Jim Laychak, 1302 Key Drive, requested Council support of the Key Drive drainage study which is part of the Capital Improvement Budget.

(g) Gary Warner, 1300 Key Drive, requested Council support of the Key Drive drainage study which is part of the Capital Improvement Budget.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-5)

Planning Commission

City Council approved the action consent calendar, with the removal of item #3, item #4 and item #5, which were considered under separate motions:

3. **SPECIAL USE PERMIT #2004-0102**

1640 KING STREET

QUIZNO'S RESTAURANT

Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned OCH/Office Commercial High. Applicant: Maziar Choubineh

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL, AS AMENDED, 4-3

(A copy of Planning Commission report dated February 1, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No.1 of Item No. 3, 2/12/05, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing:

(a) Charlotte A. Hall, 205 The Strand, representing KSMET, spoke in favor of the special use permit.

(b) Sherry Brown, 1600 Prince Street, spoke in favor of the special use permit.

(c) Lois Walker, 417 South Royal Street, representing KSMET, spoke in favor of the special use permit.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"

Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

4. SPECIAL USE PERMIT #2004-0058

3412 MOUNT VERNON AVENUE (Parcel Address: 3408 Mt. Vernon Avenue)
7-ELEVEN, INC.

Public Hearing and Consideration of a request for a special use permit to operate a nonconforming convenience store use; zoned CG/Commercial General. Applicant: 7-Eleven, Inc. by Maynard Sipe, attorney

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of Planning Commission report dated February 1, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No.1 of Item No. 4, 2/12/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council closed the public hearing. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council approved the Planning Commission recommendation with amendments to condition #11 to include pedestrian scale lighting to complement the Landover path improvements, in lieu of cobra head light heads depicted in the revised drawings and the modification of condition #5 to include fortified beer with staff discretion at setting the alcohol content. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

5. SPECIAL USE PERMIT #2004-0101

1219 ORONOCO STREET
PARKING REDUCTION

Public Hearing and Consideration of a request for special use permit to allow a parking reduction at a residential building; zoned RB/Residential. Applicant: 1219 Oronoco, LLC by Duncan Blair, attorney

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 6-1

(A copy of Planning Commission report dated February 1, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No.1 of Item No. 5, 2/12/05, and is incorporated as part of this record by reference.)

Deputy Director Josephson gave an overview of the proposed project.

The following persons participated in the public hearing on this item:

(a) Charlotte Landis, 433 North Patrick Street, spoke in opposition to the parking reduction.

(b) Duncan W. Blair, 524 King Street, attorney representing the applicant, spoke in favor of the parking reduction.

WHEREUPON, upon motion Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council closed the public hearing. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

WHEREUPON, upon motion Vice Mayor Pepper, seconded by Councilman Krupicka and carried 6-0-1, City Council approved the Planning Commission recommendation with a modification to condition #2 to include the language, "The maximum number of residential units shall be limited to eleven **in the existing building.**" The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Macdonald	abstain
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

END OF ACTION CONSENT CALENDAR

City Council took the following item out of turn.

ORDINANCES AND RESOLUTIONS

10. Public Hearing, Second and Final Reading. Passage of an Ordinance to Extend the King Street Outdoor Dining Pilot Program until December 31, 2005. (#10, 2/8/05) **(ROLL-CALL VOTE)**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10, 2/12/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10, 2/12/05, and is incorporated as part of this record by reference.)

City Attorney Pessoa noted that there was a revision to the proposed ordinance to extend the area for outdoor dining along Diagonal Road.

The following persons participated in the public hearing on this item:

(a) Patti Krieger, 113 King Street, owner of the The Silver Parrot Jewelry Store, spoke about the impact the Outdoor Dining Program has had on her business. Ms. Krieger noted that while the Outdoor Dining Program is positive, her business has been impacted by the lack of browsers and the blocking of her signage by the awnings and umbrellas for the tables.

(b) Charlotte Hall, 205 The Strand, representing KSMET, spoke in favor of extending the Outdoor Dining Program.

(c) Bert Ely, 200 South Pitt Street, spoke in favor of extending the Outdoor Dining Program. Mr. Ely also spoke about the motorcycle noise in the 100 block of King Street.

(d) Lois Walker, 417 South Royal Street, spoke in favor of extending the Outdoor Dining Program.

(e) Poul Hertel, 1217 Michigan Court, spoke about enforcement of the regulations for the Outdoor Dining Program concerning sidewalk size and awnings.

(f) Michele Richardson, 113 King Street, gallery owner, spoke about the impact the Outdoor Dining Program has had on her business.

Director Fogarty, Planning and Zoning, noted that the final ordinance would be included in the King Street Strategy, which would address standards regarding the umbrellas/awnings and the standards for retailers located between two restaurant establishments.

(g) Van Van Fleet, 26 Wolfe Street, spoke in favor of the extending the Outdoor Dining Program. Mr. Van Fleet supported the closure of the 100 block of King Street to address sidewalk size and the motorcycle issue.

(h) Senator Patsy Ticer, 512 Prince Street, expressed concern about the size of the sidewalks in the areas where outdoor dining is allowed. Senator Ticer noted that there needed to be strong standards to address the issues of parking, table storage and usage, and standards for retailers located between two restarurants.

(i) Roger D. Fons, 815 1/2 King Street, spoke in favor of extending the Outdoor Dining Program.

Councilman Krupicka requested that Tom Fairchild, Business Facilitator, closely monitor the outdoor dining program and how the program is affecting the retail businesses.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Krupicka and carried unanimously, City Council passed the ordinance, as amended, to extend the King Street Outdoor Dining Pilot Program until December 31, 2005. The voting was as follows:

Smedberg	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

Ordinance No. 4380

AN ORDINANCE to amend Ordinance No. 4360 to extend the King Street Outdoor Dining Pilot Program with December 31, 2005.

WHEREAS, Ordinance No. 4360, adopted September 28, 2004, established a pilot program for the administrative approval of outdoor dining or sidewalk café dining along the King Street corridor, from the Potomac River to the King Street Metro Station; and

WHEREAS, Section 10 of Ordinance No. 4360 provided for the expiration of the pilot program on December 31, 2004; and

WHEREAS, the Council of the City of Alexandria finds and determines that the pilot program should continue in effect until such time as the report and recommendations of the King Street Retail Advisory Committee are considered by Council, and a decision is made as to a permanent program; now therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 1 of Ordinance No. 4360 be, and the same hereby is, amended and reordained to read as follows:

Section 1. That outdoor dining shall be permitted to encroach into the public sidewalk right-of-way along King Street, from the Potomac River to the intersection of King Street and Daingerfield Road, and along all streets intersecting therewith, north to Cameron Street, and south to Prince Street, and into the public sidewalk right-of-way along the south side of Diagonal Road to a point 772 feet west of the intersection of Diagonal Road and Daingerfield Road, as shown on the map entitled "Proposed Boundary for Outdoor Dining Program Extension," attached hereto; provided, that such permission shall be subject to the provisions set forth below.

Section 2. That Section 10 of Ordinance No. 4360 be, and the same hereby is, amended and reordained to read as follows:

Section 10. That this ordinance shall be effective upon the date and at the time of its final passage, and shall expire on December 31, 2005, unless sooner amended or repealed by City Council.

Section 3. That this ordinance, adopted February 12, 2005, shall be effective as of December 31, 2004, *nunc pro tunc* .

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

6. Public Hearing on the Policy Changes in Developer Contributions for Affordable Housing (#18, 1/25/05) **This item has been deferred.**

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

7. DEVELOPMENT SPECIAL USE PERMIT #2003-0032
1601, 1603 and 1607 DUKE STREET
THE SOCIETY OF AMERICAN FLORIST AND
ORNAMENTAL HORTICULTURISTS
Public Hearing and Consideration of a request for a development special use permit, with site plan, to develop an office building to include ground floor retail, below grade parking and a request to include the operation of restaurant on the ground floor; zoned OCH/Office Commercial High. Applicant: The Society of American Florist and Ornamental Horticulturists by Duncan Blair, attorney

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL, AS

AMENDED, 7-0

(A copy of Planning Commission report dated February 1, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7, 2/12/05, and is incorporated as part of this record by reference.)

Director Fogarty, Planning and Zoning gave an overview of the project.

The following persons participated in the public hearing on this item:

(a) Duncan Blair, 524 King Street, attorney for the applicant, spoke in favor of the project.

(b) Larry Grossman, 1123 Powhatan Street, spoke in support of the project, requested that the applicant provide bicycle racks on the site and that pedestrian improvements be investigated for the Daingerfield/Duke intersection.

Deputy Director Culpepper, T&ES, explained the restrictions for the pedestrian improvements.

(c) Julie Crenshaw, 816 Queen Street, spoke about the amount of space that would be available in the area once the building was built and how it would affect the surrounding environment and neighboring building occupants.

(d) Lois Walker, 417 South Royal Street, representing KSMET, spoke in favor the proposed redevelopment project

(e) Sherry Brown, 1600 Prince Street, #603, spoke about public art in this project and the need for a public art master plan for Alexandria.

Councilman Smedberg requested that a copy of the remarks made by Ms. Brown be submitted to the Clerk.

(f) Ellen Pickering, 103 Roberts Lane, spoke in opposition to the project and suggested that Council start requiring more public benefits of developers.

(g) Poul Hertel, 1217 Michigan Court, spoke about the public benefits of the projects and how the City was not receiving many other benefits. Mr. Hertel noted that different architecture on the building could be a possible benefit to the City.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Krupicka and carried unanimously, City Council closed the public hearing. The voting was as follows:

Woodson	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"

Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Krupicka and carried 6-1, City Council approved the Planning Commission recommendation with the following amendments: 1) modify condition #6 to include language concerning training for alcohol sales; 2) include a new condition #51 stating, "the underground parking shall be available as needed during evenings and weekends to the satisfaction of the Director of P & Z and that the parking be viable;" 3) include a new condition #52 stating, "the applicant shall participate in any larger Transportation Management Plan efforts for the area and shall coordinate with adjoining transportation management plans to the satisfaction of the Director of T&ES and P&Z;" 4) delete the amendment to condition #9e stating, "The public art may include landscaping or comparable amenity;" and 5) the inclusion of additional bicycle racks as needed. The voting was as follows:

Woodson	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Macdonald	"no"
	Smedberg	"aye"	

8. DEVELOPMENT SPECIAL USE PERMIT #2004-0025

4513-4657 DUKE STREET

FOXCHASE SHOPPING CENTER

Public Hearing and Consideration of a request for a development special use permit, with site plan, for redevelopment of a retail use greater than 20,000 square feet, parking reduction and freestanding signs; zoned CG/Commercial General. Applicant: WRIT by M. Catharine Puskar, attorney

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL, AS AMENDED 6-0-1

(A copy of Planning Commission report dated February 1, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No.1 of Item No. 8, 2/12/05, and is incorporated as part of this record by reference.)

9. SPECIAL USE PERMIT #2004-0097

4513-4657 DUKE STREET

FOXCHASE SHOPPING CENTER - TRANSPORTATION MANAGEMENT PLAN

Public Hearing and Consideration of a request for a special use permit for a transportation management plan for the Foxchase Shopping Center; zoned CG/Commercial General. Applicant: WRIT by M. Catharine Puskar, attorney

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL, AS AMENDED 6-0-1

(A copy of Planning Commission report dated February 1, 2005, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9, 2/12/05, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing for docket items 8 and 9:

Planning and Zoning staff gave an overview of the proposed development project.

(a) Cathy Puskar, 2200 Clarendon Blvd, Suite 1300, Arlington, attorney representing the applicant, spoke in favor of the proposed development and gave an overview of the proposed project.

(b) Larry Grossman, 1123 Powhatan Street, representing BikeWalk Alexandria, requested several amendments to the conditions, including improvements to the pedestrian/bicycle paths, pedestrian access from Foxchase apartments to the shopping center, additional bicycle racks, a redesign of the Holmes Run Parkway Bike path entrance, maintaining the original recommendation to have seven landscaped areas on the site, and designation the West End of Duke Street as an utility undergrounding district.

(c) Kathleen Burns, 1036 North Pelham, representing the Brookville Seminary Valley Civic Association, spoke in favor of the proposed development as presented to Council from the Planning Commission. Ms. Burns requested that Council amend condition #72 to read two years, in order to review the parking needs of the center and that Council include a new condition requiring a new parking study anytime a new lease is signed to identify the new tenants' effect on the parking utilization rate.

(d) Ronald Holder, 238 South Jenkins Street, spoke in support of the proposed project. Mr. Holder also noted problems with parking in the area.

(e) Joseph S. Bennett, 5022B Barbour Drive, representing the Cameron Station Civic Association, spoke in support of the proposed project. Mr. Bennett noted the parking and traffic issues associated with the proposed project. Mr. Bennett requested that Council amend condition #72 to require a two year period in order to review the parking needs of the center and that Council include a new condition requiring a new parking study anytime a new lease is signed to identify the new tenants' effect on the parking utilization rate.

(f) Julie Crenshaw, 816 Queen Street, requested that trees in Holmes Run would be tended for runoff and trash and she spoke about big box retail and the standards for the City. Ms. Crenshaw also suggested that the idea of a light rail transportation system be explored for the Duke Street area.

(g) Chris St. Pierre, 4609 Duke Street, representing the West End Business

Association, spoke in favor of the proposed project. Mr. St. Pierre noted that the area frequently loses power.

(h) Annabelle Fisher, 6161 Edsall Road, spoke about the parking issues, the safety issues and underground wiring.

(i) Ellen Pickering, 103 Roberts Lane, suggested that the parking be placed underground for the proposed development.

(j) Jack Sullivan, 4300 Ivanhoe Place, representing the Seminary Hill Association, spoke in favor of the proposed project. Mr. Sullivan noted that the Seminary Hill Association would like a two year moratorium on building the 3200 square feet of retail to review the parking needs of the shopping center.

(k) Poul Hertel, 1217 Michigan Court, spoke about the parking issues at the proposed development.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilwoman Woodson and carried unanimously, City Council moved to close the public hearing on docket items #8 and #9. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Woodson	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilwoman Woodson and carried 6-0, City Council approved the Planning Commission recommendation with the following amendments: (1) include the standard condition relating to the appropriate regulation of alcohol sales; (2) include language in condition #1b requiring the enforcement of parking decals for employees by WRIT; (3) include a condition addressing pedestrian improvements to occur at the Jordan Street entrance; (4) affirm the Planning Commission amendment of condition #1i requiring WRIT to provide security patrol in a manner consistent with Bradlee Shopping Center in consultation with the Police Department; (5) modify condition #29 to require two showers; (6) include a condition relating to pedestrian access at the northwest corner of the property subject to agreement from the adjoining property owner; (7) amend condition #19f concerning landscaping eliminating the first sentence stating, "the applicant shall provide landscaping in the area previously proposed to be occupied by the 3,272 square feet retail area." Also amend condition #19f to state as follows, "The landscaping within the seven eliminated landscaped islands shall be located elsewhere on the site, if feasible, or in Holmes Run Park;" (8) amend condition #1e by eliminating the words, "Consistent with condition #29;" (9) amend condition #1f to include the words, "Consistent with condition #29;" (10) amend the first sentence of condition #71 to read as follows, "the proposed grocery store shall be permitted to have storage space for carts adjacent to the entrance (**both interior and exterior**) of the building;"

(11) delete condition #1g concerning valet and tandem parking; (12) amend condition #6 to require a \$250,000 contribution from the developer given before the issuance of the Certificate of Occupancy for undergrounding utilities for this vicinity of Duke Street; and (13) elimination of condition #72, which required the elimination of the 3272 square feet of retail space and future parking study. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Woodson	absent*	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

*Note: Councilwoman Woodson left the meeting during the discussion for another planned engagement.

Board of Architectural Review Old and Historic Alexandria District

9.1 CASE NO. 2004-0013

Public Hearing and Consideration of an Appeal of the decision of the Board of Architectural Review, Old and Historic Alexandria District, denying a request for a certificate of appropriateness for an after-the-fact replacement door located at 1302 Michigan Avenue, zoned RB Residential. Applicant and appellant: Heather Eilers-Bowser. (Deferred from 12/18/04 and 1/22/05 meetings)

Mr. Phipps, Division Chief, Planning and Zoning, gave a brief overview of the appeal case.

The following persons participated in the public hearing:

(a) David Bowser, 1302 Michigan Avenue, the applicant, requested Council overturn the decision of the BAR and allow them to keep the door they had installed.

(b) Heather Eilers-Bowser, 1302 Michigan Avenue, the applicant, requested Council overturn the decision of the BAR and allow them to keep the door they had installed.

(c) Lynn Neihardt, 611 South Fairfax Street, representing the BAR - Old and Historic Alexandria District, requested Council uphold the decision of the BAR requiring the removal of the door or remand the decision back to the BAR for further review.

(d) Ellen Pickering, 103 Roberts Lane, spoke in support of the BAR decision requiring the removal of the door.

(e) Poul Hertel, 1217 Michigan Court, spoke in support of the BAR decision requiring the removal of the door.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Krupicka and carried 6-0, City Council closed the public hearing. The

voting was as follows:

Smedberg	"aye"	Pepper	"aye"
Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	absent	

Councilman Macdonald moved that the decision be remanded to the BAR-Old and Historic Alexandria District to ameliorate the existing door by adding an appropriate outer door. The motion failed for lack of a second.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried 5-1, City Council upheld the decision of the Board of Architectural Review, Old and Historic Alexandria District and requested that the BAR take a specific look at this neighborhood and evaluate the standards to ensure fair application. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"no"
	Woodson	absent	

ORDINANCES AND RESOLUTIONS

10. Public Hearing, Second and Final Reading. Passage of an Ordinance to Extend the King Street Outdoor Dining Pilot Program until December 31, 2005. (#10, 2/8/05) **(ROLL-CALL VOTE)**

City Council considered this item earlier in the meeting after docket item 5.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (11-12)

Planning Commission (continued)

11. ENCROACHMENT #2004-0011
315 NORTH PAYNE STREET
RETAINING WALL

Consideration of a request for an encroachment into the public right-of-way for a retaining wall and fence; zoned RB/Residential. Applicant: Linda Lewis by C. Kaya Biron, AIA

PLANNING COMMISSION ACTION: DEFERRED

12. SPECIAL USE PERMIT #2004-0110

3023 DUKE STREET
7-ELEVEN, INC.

Consideration of a request for a special use permit to operate a nonconforming convenience store use; zoned RC/Residential. Applicant: 7-Eleven, Inc., by Maynard Sipe, attorney

PLANNING COMMISSION ACTION: Deferred

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

City Council noted the deferrals.

New Business Item #1: City Attorney Pessoa reported that an appeal to a BAR Case had been filed with the City Clerk and Clerk of Council for Case No. 2004-0272, 800 South Royal Street and that the parties had requested that the appeal be vacated and remanded to the Board for further proceedings.

WHEREUPON, upon motion Vice Mayor Pepper, seconded by Councilman Macdonald and carried 6-0, City Council moved that the decision of the Board of Architectural Review in BAR Case No. 2004-0272, 800 South Royal Street, in which an appeal to Council was filed by the property owner on January 21, 2005, at the request of the parties be, and hereby is, vacated and remanded to the Board for further proceedings. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
Woodson		absent	

New Business Item #2: City Attorney Pessoa noted that BAR Case No. 2002-0300, Miles Properties in the 700, 800, and 900 blocks of South Washington Street on the east side and 719 South St. Asaph Street, was approved by the BAR on February 2, 2005, for the replacement of windows with metal cover windows and penetration of the brick work with HVAC units. City Attorney Pessoa stated that the City would have to issue building permits for the work to commence and he reported that the Zoning Ordinance provides a mechanism whereby the City Manager or staff can appeal to City Council a BAR decision, if Council would like to review that particular decision. The time period for filing the appeal would expire on February 16, 2005. City Attorney Pessoa suggested that Council have the City Manager file an appeal in order to give Council the opportunity to review the work at the condominium conversion.

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilman Krupicka and carried 6-0, City Council moved to have the City Manager file an appeal for BAR Case No. 2002-0300. The voting was as follows:

Macdonald	"aye"	Pepper	"aye"
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Krupicka	"aye"	Gaines	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	absent	

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried 6-0, City Council adjourned the public hearing meeting of February 12, 2005, at 5:17 p.m. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Gloria Sitton Deputy City Clerk